

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 365, nays 41, not voting 27, as follows:

[Roll No. 390]

YEAS—365

Abercrombie	Crowley	Honda
Ackerman	Culberson	Hooley (OR)
Aderholt	Cummings	Hoyer
Alexander	Cunningham	Hunter
Allen	Davis (AL)	Hyde
Andrews	Davis (CA)	Inslee
Baca	Davis (FL)	Israel
Bachus	Davis (IL)	Issa
Baird	Davis (TN)	Istook
Baker	Davis, Tom	Jackson (IL)
Baldwin	DeGette	Jackson-Lee
Ballenger	DeLahunt	(TX)
Barrett (SC)	DeLauro	Jefferson
Barton (TX)	DeLay	John
Bass	DeMint	Johnson (CT)
Beauprez	Diaz-Balart, M.	Johnson (IL)
Becerra	Dicks	Johnson, E. B.
Bell	Dingell	Johnson, Sam
Bereuter	Doolittle	Jones (OH)
Berkley	Doyle	Kanjorski
Berman	Dreier	Kelly
Biggart	Dunn	Kennedy (MN)
Bilirakis	Edwards	Kennedy (RI)
Bishop (GA)	Ehlers	Kildee
Bishop (NY)	Emanuel	Kilpatrick
Bishop (UT)	Emerson	Kind
Blackburn	Engel	King (IA)
Blumenauer	English	King (NY)
Blunt	Eshoo	Kingston
Boehlert	Etheridge	Kirk
Boehner	Evans	Kleczka
Bonilla	Everett	Kline
Bono	Farr	Knollenberg
Boozman	Fattah	Kolbe
Boswell	Ferguson	LaHood
Boucher	Filner	Lampson
Boyd	Foley	Langevin
Bradley (NH)	Forbes	Lantos
Brady (PA)	Ford	Larsen (WA)
Brady (TX)	Fossella	Larson (CT)
Brown (OH)	Frank (MA)	Latham
Brown (SC)	Frost	LaTourette
Brown, Corrine	Galleghy	Leach
Burgess	Garrett (NJ)	Lee
Burns	Gephardt	Levin
Burr	Gerlach	Lewis (CA)
Burton (IN)	Gilchrest	Lewis (GA)
Buyer	Gillmor	Lewis (KY)
Calvert	Gingrey	Linder
Camp	Gonzalez	Lipinski
Cannon	Gordon	LoBiondo
Cantor	Goss	Lofgren
Capito	Granger	Lowe
Capps	Green (TX)	Lucas (KY)
Capuano	Green (WI)	Lynch
Cardin	Grijalva	Maloney
Cardoza	Gutierrez	Manzullo
Carson (OK)	Hall	Markley
Carter	Harman	Marshall
Case	Harris	Matheson
Castle	Hart	Matsui
Chabot	Hastings (FL)	McCarthy (NY)
Chandler	Hastings (WA)	McCollum
Chocoma	Hayworth	McCotter
Clay	Hensarling	McCrery
Clyburn	Herseth	McDermott
Coble	Hill	McGovern
Cole	Hinchey	McHugh
Conyers	Hinojosa	McIntyre
Cooper	Hobson	McKeon
Costello	Hoeffel	McNulty
Cox	Hoekstra	Meehan
Crane	Holden	Meek (FL)
Crenshaw	Holt	Meeks (NY)

Menendez	Pryce (OH)	Solis
Mica	Putnam	Souder
Michaud	Ramstad	Spratt
Millender-	Rangel	Stark
McDonald	Regula	Strickland
Miller (MI)	Rehberg	Sullivan
Miller (NC)	Renzi	Sweeney
Miller, Gary	Reyes	Tauscher
Mollohan	Reynolds	Tauzin
Moore	Rodriguez	Taylor (NC)
Moran (VA)	Rogers (AL)	Terry
Murphy	Rogers (KY)	Thomas
Murtha	Rogers (MI)	Thompson (CA)
Musgrave	Ros-Lehtinen	Thompson (MS)
Myrick	Ross	Thornberry
Nadler	Rothman	Tiahrt
Napolitano	Ruppersberger	Tiberi
Neal (MA)	Rush	Tierney
Nethercutt	Ryan (OH)	Towns
Neugebauer	Ryan (WI)	Turner (OH)
Ney	Sabo	Turner (TX)
Northup	Sanchez, Linda	Udall (CO)
Nunes	T.	Udall (NM)
Nussle	Sanchez, Loretta	Upton
Oberstar	Sanders	Van Hollen
Obey	Sandlin	Velázquez
Oliver	Saxton	Visclosky
Ortiz	Schakowsky	Vitter
Osborne	Schiff	Walden (OR)
Ose	Schrock	Walsh
Owens	Scott (GA)	Wamp
Oxley	Scott (VA)	Waters
Pallone	Serrano	Watson
Pascarella	Sessions	Watt
Pastor	Shadegg	Waxman
Payne	Shaw	Weiner
Pearce	Shays	Weldon (FL)
Pelosi	Sherman	Weldon (PA)
Pence	Sherwood	Weller
Peterson (MN)	Shimkus	Wexler
Peterson (PA)	Shuster	Wicker
Petri	Simmons	Wilson (NM)
Pickering	Simpson	Wilson (SC)
Pitts	Skelton	Wolf
Platts	Slaughter	Woolsey
Pomeroy	Smith (NJ)	Wu
Porter	Smith (TX)	Wynn
Portman	Smith (WA)	Young (AK)
Price (NC)	Snyder	

NAYS—41

Akin	Graves	Paul
Bartlett (MD)	Gutknecht	Pombo
Berry	Hefley	Rahall
Brown-Waite,	Herger	Rohrabacher
Ginny	Hostettler	Royce
Cubin	Hulshof	Sensenbrenner
Davis, Jo Ann	Jones (NC)	Smith (MI)
DeFazio	Keller	Stearns
Duncan	Kucinich	Stupak
Flake	Lucas (OK)	Tancredo
Franks (AZ)	Miller (FL)	Tanner
Gibbons	Moran (KS)	Taylor (MS)
Goode	Norwood	Toomey
Goodlatte	Otter	Whitfield

NOT VOTING—27

Bonner	Feeney	McCarthy (MO)
Carson (IN)	Frelinghuysen	McInnis
Collins	Greenwood	Miller, George
Cramer	Hayes	Quinn
Deal (GA)	Houghton	Radanovich
Deutsch	Isakson	Roybal-Allard
Diaz-Balart, L.	Jenkins	Ryun (KS)
Doggett	Kaptur	Stenholm
Dooley (CA)	Majette	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 2236

Mr. GRAVES changed his vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 390, the Foreign Operations Appropriations, H.R. 4818, Final Passage, I was unavoidably detained. Had I been present, I would have voted “yea.”

REQUESTING THE SENATE TO RETURN TO THE HOUSE OF REPRESENTATIVES H.R. 4766

Mr. BONILLA. Mr. Speaker, I offer a privileged resolution (H. Res. 719) requesting the Senate to return to the House of Representatives the bill H.R. 4766, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 719

*Resolved*, That the Senate is requested to return to the House of Representatives the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AGREEING TO REQUEST OF SENATE TO RETURN H.R. 1303

The SPEAKER pro tempore. Without objection, the request of the Senate to return the bill (H.R. 1303) to amend the E-Government Act of 2002 with respect to rulemaking authority of the judicial conference is agreed to.

There was no objection.

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the gentleman from Texas (Mr. DELAY), the majority leader, for the purposes of informing us of next week's schedule.

Mr. DELAY. Mr. Speaker, I thank the distinguished whip, the gentleman from Maryland (Mr. HOYER), for yielding to me.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of these measures will be sent to Members' offices by the end of the week. Any votes on these measures will be rolled until after 6:30 p.m.

On Tuesday and the balance of the week, we expect to consider additional legislation under suspension of the rules. We also plan to consider several bills under a rule: the fiscal year 2005 District of Columbia appropriations bill; H.R. 4837, the fiscal year 2005 Military Construction appropriations bill; H.R. 4842, the U.S.-Morocco Free Trade Agreement; H.R. 3574, the Stock Option Accounting Reform Act; and H.R. 3313, the Marriage Protection Act.

Finally, I would like to note that we are expecting a very busy week heading into the August recess. Members should expect to work some late nights and possibly into Friday evening as we resolve these important pieces of legislation.

I thank the gentleman for yielding, and will be happy to answer any questions he may have.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information.

Mr. Speaker, the majority leader mentioned two appropriations bills, the District of Columbia and the Military Construction bill. Can the gentleman give me an estimate, if he knows, of what days those two bills will be considered?

Mr. DELAY. Mr. Speaker, if the gentleman will yield.

Mr. HOYER. I yield to my friend.

Mr. DELAY. I would expect to see the stock options bill legislation and the D.C. and Military Construction appropriations bills earlier in the week. The U.S.-Morocco Free Trade Agreement and the Marriage Protection Act would be Thursday or Friday.

Mr. HOYER. Mr. Speaker, the gentleman said the Morocco Free Trade will be early or later?

Mr. DELAY. Later.

Mr. HOYER. Later.

Mr. DELAY. Thursday or Friday.

Mr. HOYER. The gentleman anticipated my two questions, I see.

The conference reports, will we be considering the DOD appropriations conference report next week?

Mr. DELAY. Mr. Speaker, if the gentleman will yield.

Mr. HOYER. I yield to my friend.

Mr. DELAY. I have every expectation that the DOD conference will be finished and ready to go and voted on sometime next week, but I am not advised as to when during the week that we might anticipate voting on it.

Mr. HOYER. Mr. Leader, there has been a lot of discussion, and I have read some things in the newspaper and heard discussions, about the child tax credit bill which has been pending for some time in conference.

Can the gentleman tell me whether or not there is an intention to move that out of conference; and, if so, what condition will it be in in terms of what will there be in the bill, if the gentleman knows, in addition to the originally passed child tax credit? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. We have been working to extend the child tax credit, the 10 percent tax bracket, and the marriage penalty tax relief provisions from the 2001 and 2003 tax bills. I would anticipate that the bill, well, I cannot say what else might be in the bill. The conference has yet to be called into a meeting, but in discussions with the other body, it seems to be that most want to keep this bill as simple as possible; and I hope we can find a way to send these tax measures to the President before the August recess.

Mr. HOYER. Mr. Speaker, does the gentleman have a view that if there was some disagreement and an agreement could not be reached on the other matters above and beyond the child tax credit, would the gentleman's expectation be that the child tax credit might be moved independently? Could the gentleman see a scenario that would result in that? I yield to my friend.

Mr. DELAY. Mr. Speaker, that is speculation and I hate to speculate, but I know that this House has voted several times on these issues, and I know that the House wants to see a 10 percent tax bracket, the marriage penalty, and the child tax credit provisions to be extended and funded; and I would tend to think that the bill would have to come back with at least those provisions in it.

Mr. HOYER. Mr. Speaker, H.R. 3313, what day does the gentleman anticipate we will consider this bill? That is the Defense of Marriage Act. I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. I expect that that will come on Thursday. As the gentleman knows, sometimes these appropriations bills take longer than we anticipate. If they do, then it could be pushed over into Friday, but our intention is to bring that bill to the floor on Thursday.

Mr. HOYER. Mr. Speaker, reclaiming my time, I would hope that during the consideration of the child tax credit, assuming the conference is going to meet, that our conferees be included in that conference. As the gentleman knows, we feel pretty strongly about the fact that if conferences are held, those Democratic conferees that have been appointed by the Speaker need to be invited and to be able to participate in those. So I would urge that to occur when and if that conference is convened.

Mr. DELAY. Mr. Speaker, if the gentleman will yield.

Mr. HOYER. I am glad to yield.

Mr. DELAY. I would have every reason to believe that if we can get the other body to call the meeting, then, surely, the Democrats on the conference committee, along with the Republicans, would all have invitations to that meeting.

Mr. HOYER. I thank the gentleman, and I yield back the balance of my time.

#### ADJOURNMENT TO MONDAY, JULY 19, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### ANNOUNCEMENT BY COMMITTEE ON RULES ON AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 3313, MARRIAGE PROTECTION ACT OF 2004

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of July 19, 2004, to grant a rule which could limit the amendment process for floor consideration of H.R. 3313, the Marriage Protection Act of 2004. The Committee on the Judiciary ordered H.R. 3313 reported on July 14, 2004, and is expected to file its report with the House on July 19, 2004.

Any Member wishing to offer an amendment to the bill should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 10 a.m. on Wednesday, July 21, 2004. Members should draft their amendments to the text of the bill as reported by the Committee on the Judiciary. Members also are advised that the text should be available for their review on the Web sites of both the Committee on the Judiciary and the Committee on Rules by Friday, July 16, 2004.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

#### UNITED STATES-MOROCCO FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-201)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

I am pleased to transmit legislation and supporting documents prepared by my Administration to implement the United States-Morocco Free Trade Agreement (the "Agreement" or the "FTA"). This Agreement enhances our bilateral relationship with a long-standing partnership in the North Africa and Middle East region. The Agreement will benefit the people of the United States and Morocco, illustrating to other developing countries the advantage of open markets.

This Agreement is a strong demonstration of my Administration's commitment to opening markets, leveling the playing field, and expanding opportunities for American workers, manufacturers, businesses, farmers, and consumers. In negotiating this